

JUL 25. 2005 11:37PM

513 241 6234

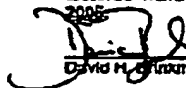
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 7/25/05  
David H. Friedman, Reg. No. 40,532 Date

Free  
only  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jacob Fraden  
Serial No.: 10/612,112  
Filed: July 2, 2003  
Confirmation No.: 3389  
Group Art Unit: 2859  
Examiner: Verbitsky, Gail K.  
Title: PROBE FOR A BODY CAVITY  
Atty Docket: AMCN-08

Cincinnati, Ohio 45202

July 25, 2005

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AFTER FINAL AMENDMENT

Sir:

In response to the final Office Action mailed on May 24, 2005, please

amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 9 of this paper.

Page 1 of 12

08/02/2005 DBROWN 00000004 233000 10612112

01 FC:1201 200.00 DA  
02 FC:1202 50.00 DA

PAGE 5/16 \* RCVD AT 7/25/2005 11:37:12 PM [Eastern Daylight Time] \* SVR:USPTO-EFAXF-6/25 \* DNS:2738300 \* CSD:513 241 6234 \* DURATION (mm:ss) 03:09

Adjustment Date: 11/08/2005 SDIRETA1  
08/02/2005 DBROWN 00000004 233000 10612112  
01 FC:1201 200.00 CR  
02 FC:1202 50.00 CR

11/08/2005 SDIRETA1 00000008 233000 10612112  
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David H. Brinkman, Reg. No. 40,6329/20/05  
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SEP 20 2005

PATENT

Applicant: Jacob Fraden  
Serial No.: 10/612,112  
Filed: July 2, 2003  
Examiner: Verbitsky, Gail Kaplan  
Art Unit: 2859  
Confirmation No.: 3389  
Title: PROBE FOR A BODY CAVITY  
Atty Docket: AMCN-06

Cincinnati, Ohio 45202

September 20, 2005

Mail Stop 16  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR REFUND OF EXTRA CLAIMS**

An After Final Amendment was filed in the above-identified case on July 25, 2005. The United States Patent and Trademark Office was instructed to charge Deposit Account No. 23-3000 in the amount of \$25.00 for one additional claim and \$100.00 for one additional independent claim for a small entity.

Applicant's counsel has been notified that Deposit Account No. 23-3000 has been charged \$50.00 for the one additional claim and \$200.00 for

-1-


the one additional independent claim for a large entity. Applicant submits that the additional charge of \$125.00 is in error and request a credit of this amount to Deposit Account No. 23-3000.

In particular, Applicant encloses a copy of the Utility Patent Application Transmittal showing that the Applicant has claimed small entity status. Applicant also encloses a copy of the Official Filing Receipt showing same.

Applicant is entitled to and respectfully requests a refund in the amount of \$125.00 to be credited to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

  
\_\_\_\_\_  
David H. Brinkman  
Reg. No. 40,532

2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202-2917  
(513) 241-2324 - Voice  
(513) 421-7269 - Facsimile

SEP 20 2005

PTO/SB/06 (06-03)

Approved for use through 07/31/2003. OMB 0651-0032

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UTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(h))

Attorney Docket No.

First Inventor

Title

Express Mail Label No.

Jacob Fraden

Probe for a body cavity

EE089978308US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application  
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Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 5]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the invention
  - Brief Summary of the invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 2]
5. Oath or Declaration [Total Sheets 2]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
  - c. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s)  
name in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Reader Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ Paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☐ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
17. ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation☐ Divisional☐ Continuation-in-part (CIP)

of prior application No.: .....

Prior application information:

Examiner

Art Unit:

For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☐

Customer Number.

OR ☒ Correspondence address below

Name	Jacob Fraden, Advanced Monitors Corp.				
Address	6255 Ferris Sq.				
City	San Diego	State	CA	Zip Code	92121
Country	U.S.A.	Telephone	858-677-3880	Fax	858-677-3881
Name (Print/Type)	Jacob Fraden	Registration No. (Attorney/Agent)			
Signature	<i>Jacob Fraden</i>	Date	7/2/03		

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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 Alexandria, Virginia 22315-4400  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FILE FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLMS	IND CLMS
10/812,112	07/02/2003	2859	375		2	8	2

Jacob Fraden, Advanced Monitors Corp.  
 6255 Ferris Sq.  
 San Diego, CA 92121

CONFIRMATION NO. 3389

## UPDATED FILING RECEIPT



\*0C00000001203004\*

Date Mailed: 03/05/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9196. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Jacob Fraden, La Jolla, CA;

## Domestic Priority data as claimed by applicant

## Foreign Applications

If Required, Foreign Filing License Granted: 01/24/2004

Projected Publication Date: 01/08/2005

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Probe for a body cavity

## Preliminary Class

374

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Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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**Application Number Information**US PATENT & TRADEMARK  
OFFICE

Application Number: 10/612112

Examiner Number: 76680 / **VERBITSKY, GAIL****Assignments**

Filing or 371(c) Date: 07/02/2003

Group Art Unit: **2859****IFW IMAGE**

Effective Date: 07/02/2003

Class/Subclass:  
**374/208.000**Waiting for Response  
Desc.

Application Received: 07/03/2003

Lost Case: **NO**

Pat. Num./Pub. Num: /20050002437

Interference Number:

**Amndt. Not Entrd**

Issue Date: 00/00/0000

Unmatched Petition: **NO****EIDS**

Date of Abandonment: 00/00/0000

**L&R Code:** Secrecy Code:1

Attorney Docket Number:

Third Level Review: **NO**Secrecy Order: **NO**Status: **83 /ADVISORY ACTION MAILED**

Status Date: 08/11/2005

Confirmation Number: 3389

Oral Hearing: **NO**Title of Invention: **PROBE FOR A BODY CAVITY**

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**PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION**

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TRUMAN A. HERRON 1935-1978  
EDWARD B. EVANS 1936-1971

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**FROM: David H. Brinkman**

**Fax No.: (571) 273-8300**

**Phone: (513) 241-2324**

**Date: September 20, 2005**

**Fax: (513) 421-7269**

**Pages (including cover page): 8**

**Re: U.S. Serial No. 10/612,112  
PROBE FOR A BODY CAVITY  
Attorney Docket No. AMCN-06**

**ATTACHMENTS/COMMENTS: OFFICIAL**

Please deliver to Mail Stop 16  
Request for Refund of Extra Claims (2 pages) (In duplicate)  
Copy of Utility Patent Application Transmittal (1 page)  
Copy of Official Filing Receipt (2 pages)

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September 20, 2005

David H. Brinkman

Date



Extension (months)	Fee for other than small entity	Fee for small entity
one month	\$ 120.00	\$ 80.00
two months	\$ 450.00	\$225.00
three months	\$1,020.00	\$510.00
four months	\$1,590.00	\$795.00

Attached is a check in the amount of \$\_\_\_ for the three month extension fee as required by 37 C.F.R. § 1.17(c).

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

— An extension for \_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_.

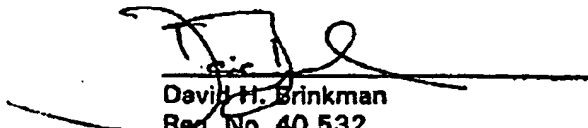
OR

(b) XX Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

XX If any additional fee for claims or extension of time is required, charge Account No. 23-3000. A duplicate of this transmittal is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

  
David H. Brinkman  
Reg. No. 40,532

2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202  
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